



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Michael J. SHEA

Atty. Ref.: EX-2DC4

Serial No. 09/541,986

Group: 3764

Filed: April 3, 2000

Examiner: G. Richman

For: METHOD OF DISPLAYING ADVERTISEMENTS TO AN
EXERCISER

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February 6, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the office action dated January 24, 2006, Applicant elects the "wireless communication link" species. Claims 26 and 38 read on this species. Claims 20, 29-32, 39-47, 49-56, 58-62, 64-74, 76-78, 80-83, 85 and 86 are generic to the species identified in the office action.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC Section 103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

Respectfully submitted,

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